

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

Refund Cy

OFFICE OF
MANAGING DIRECTOR

August 28, 2001

86-285

Mr. James D. Lamm
7354 Lindley Mill Road
Graham, North Carolina 27253

Re: Request for Waiver of FY 2000
Regulatory Fee
Fee Control No.: 0009138835136005

Dear Mr. Lamm:

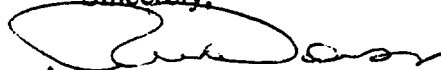
This letter grants your request for a waiver of the Fiscal Year 2000 regulatory fee with respect to AM radio station WLLY, Wilson, North Carolina.

In a previous letter dated April 10, 2001, we informed you that your waiver request based on a claim that WLLY had suffered financial hardship as a result of damage caused by Hurricane Floyd had to be supported by appropriate documentation. You were afforded thirty days to comply with our instructions.

In response, you have submitted a copy of WLLY's partnership tax returns for 2000. Our review of this information shows an operating loss of \$17,423 for the year and indicates that, even after excluding deductions for depreciation and guaranteed payments to partners, WLLY would still be in a deficit position. Therefore, your request for a waiver of the regulatory fee for FY 2000 is granted. A check, made payable to the maker of the original check, and drawn in the amount of \$425, will be sent to you at the earliest practicable time.

If you have any questions concerning this refund, please contact the Revenue and Receivable Operation Group at (202) 418-1995.

Sincerely,



for Mark A. Reger
Chief Financial Officer

Payment Transactions Detail Report

Date: 05/16/2001

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0009138835136005	WLLY PARTNERSHIP 7354 LINDLEY MILL ROAD	WP00026743	0561979594	9/12/2000 00:00:0							
					GRAHAM	NC	27253				
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$425.00	\$425.00	1	0036	1	WLLY	WLLY PARTNERSHIP	27253		\$425.00	1	PMT
Total									1		
									\$425.00		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(SMP-FG)

APR 10 2001

MAY 1 9 44 AM '01

OFFICE OF
MANAGING DIRECTOR

RECEIVED

James D. Lamm
7354 Lindley Mill Rd.
Graham, NC 27253

Re: Request for Waiver of FY 2000
Regulatory Fee
Fee Control No.: 0009138835136005

Dear Mr. Lamm:

This letter is in response to your request for a waiver of the Fiscal Year 2000 regulatory fee with respect to AM radio station WLLY, Wilson, North Carolina.

In support of your request, you state:

Hurricane Floyd flooded the radio station last year and destroyed all of our equipment, as well as the interior of the station. We did not have flood insurance and suffered a total loss. We are still in the long process of trying to repair and rebuild and your help would be greatly appreciated.

You indicate that you timely submitted the \$425 regulatory fee.

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994); recon. granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-62.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

Our records do not indicate that WLLY was off the air at the time the fee payment was made. In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore, your request for waiver (and refund) of WLLY's FY 2000 regulatory fee is dismissed. In view of your allegations of financial hardship, however, WLLY's request may be refiled together with appropriate supporting documentation within 30 days from the date of this letter.

If you have any questions concerning this letter, please contact the Revenue and Receivable Operation Group at (202) 418-1995.

Sincerely,

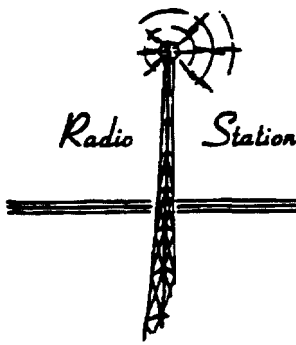


Mark A. Reger
Chief Financial Officer

RECEIVED

MAY 1 9 44 AM '01

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(AR.O-FG)



WLLY

WILSON, NORTH CAROLINA

210 Beacon St.
P.O. Box 3587
257-5171

1350 KC
1000 Watts - Non-Directional

April 26, 2001

Federal Communications Commission
Mark A. Reger
Chief Financial Officer
Washington DC 20554

RECEIVED

MAY 1 9 43 AM '01

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(703-6150)

RE: Request for Waiver of FY 2000
Regulatory Fee
Fee Control No.:0009138835136005

Dear Mr. Reger:

I am responding to your letter to me dated April 10, 2001 regarding our request for waiver of the Fiscal Year 2000 regulatory fee with respect to AM station WLLY, Wilson, North Carolina.

As we stated our radio station has suffered financial hardship. This letter is to provide additional information. I have enclosed a copy of our 2000 taxes for support. Please let me know if you should need additional information and I will be happy to provide it. Thank you for your reconsideration in this matter.

Sincerely,

James D. Lamm
Partner, WLLY Radio

Enclosure

ROUTING AND TRANSMITTAL SLIP

Date 05/02/01

TO: (Name, office symbol, room number, building, Agency/Post)				Initials	Date
1. Anton Porter, AMD-FO					
2.					
3.					
4.					
5.					
X	Action		File		Note and Return
	Approval		For Clearance		Per Conversation
	As Requested		For Correction	X	Prepare Reply
	Circulate		For Your Information		See Me
	Comment		Investigate		Signature
	Coordination		Justify		

REMARKS

CONTROLLED ASSIGNMENT attached for your preparation. Please have a response prepared for Mark's review by May 25, 2001.

thanks

ATTACHMENT:

Lamm/WLLY Assignment

Due May 25, 2001

DO NOT use this form as a RECORD of approvals,concurrences,disposals clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room
Shelia Foster, Secretary	1-A625
	Phone
	418-0711

5041-102

* U.S. GPO:

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA

FPMR (41 CFR) 101-11.208

Revenue and Receivables Operations Group OGC Tracking System Transmittal Form

Date: May 16, 2001

To: Office of General Counsel - Administrative Law Division - 34th Floor Portals II
Attached are the requests for reconsideration, refund, determination, waiver, etc.

Applicant Name	Call Sign	Fee Control No.	Nature of Request
1 WLLY Partnership / Lamm, James	WLLY-AM	0009138835136005	WR
2			
3 THIS IS A CONTROLLED ASSIGNMENT			
4			
5 PLEASE EXPEDITE. DUE TO M. REGER			
6			
7 MAY 25th, 2001			
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* The item highlighted has more than one fee control number associated with the request. The fee control number listed is being used as the reference number to track the item in the Fee Decision Tracking System.

Prepared by: Tori Slappy
Revenue & Receivables Operations Group

Received by: *Rhonda Hill*
Office of General Counsel

Date: 5/16/01